



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Public Works

Meeting Date: May 15, 2023

Report #:2304-1310

TITLE

Approval of Amendment No. 3 with RossDrulisCusenbery Architecture, Inc. (Contract No. C17165953) to add \$687,500, increasing the not to exceed amount to \$9,725,108, for additional Professional Services for the Public Safety Building Capital Improvement Program Project (PE-15001); CEQA: Environmental Impact Report for the PSB and New California Avenue Area Parking Garage (Resolution No. 9772)

RECOMMENDATION

Staff recommends that Council approve and authorize the City Manager or their designee to execute Amendment No. 3 to Contract No. C17165953 with RossDrulisCusenbery Architecture, Inc. (Attachment A) to add \$687,500, increasing the not to exceed amount to \$9,725,108, for Professional Services for the Public Safety Building project and the completed New California Avenue Area Parking Garage project.

BACKGROUND

The New Public Safety Building (PSB) (PE-15001) and New California Avenue Area Parking Garage (Garage) (PE-18000) were among ten key projects included in the 2014 Council Infrastructure Plan. The PSB was identified as the plan's highest priority project, and its environmental impacts are analyzed with the parking garage project for the purposes of complying with the California Environmental Quality Act (CEQA). The parking garage opened in December 2020. On February 1, 2021, Council approved the award of the construction contract for the Public Safety Building to Swinerton Builders (Swinerton) and authorized execution and delivery of one series of Certificates of Participation (COPs) in an amount not to exceed \$120 million to finance PSB construction.¹

¹ City Council, February 1, 2021; Agenda Item #4, SR #11752, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11752.pdf>

In December 2016, Council authorized a contract with RossDrulisCusenbery Architecture, Inc. (RDC) to provide design and environmental assessment services for the new PSB and the now completed California Avenue Parking Garage (Cal Ave Garage).²

On February 1, 2021, Amendment No. 1 to RDC's contract replenished the PSB construction administration budget, augmented the Cal Ave Garage construction administration project budget, and replenished the contingency budget in the contract.³ During discussion of that item at the Council meeting, staff recommended redesigning the Multipurpose Room exterior to make it more inviting and open consistent with its planned use as a Community Room.

On August 30, 2021, Amendment No. 2 to RDC's contract provided additional compensation for multiple design changes related to the Cal Ave Garage and the PSB along with the funds required for the redesign of the Community Room exterior.⁴

ANALYSIS

Staff recommends the approval of the attached Amendment No. 3. This amendment provides supplemental funding for five significant additional scopes of work and further replenishes the budget for additional services. The five items consist of the following:

1. Extended Construction Contract Duration: The construction contract with Swinerton has been extended via Change Orders to August 25, 2023 and is anticipated to be further extended. The amendment provides funding to cover architectural services during this extension.
2. Coordination for Building Information Modelling (BIM) for construction: The BIM process involves a 3D model of the entire PSB structure to identify and resolve clashes between building system components, structure components, and cladding systems.
3. Accommodation of supply chain issues: The Covid pandemic significantly impacted the orderly progress of the PSB work. COVID-related material shortages, discontinued products, absences of key staff and tradespeople, and unprecedented pricing escalation, all prompted Swinerton to request accelerated review of high priority Requests for Information (RFIs) and submittals so that the project could stay on schedule, subcontracts could be bought out in a timely manner and the project stay on budget. This approach afforded the contractor the benefit of securing early out-of-sequence long lead items in response to the COVID-related logistic and marketplace challenges. A

² City Council, December 12, 2016; Agenda Item #6, SR#7417, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2016/id-7417-public-safety-building-and-cal-ave-garage-design-contract-approval.pdf>

³ City Council, February 1, 2021; Agenda Item #4, SR 11752, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11752.pdf>

⁴ City Council, August 30, 2021; Agenda Item #4, SR #12318, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12318.pdf>

two-tier “Hot” vs. “Standard” RFI review process was added to the construction administration phase additional to the requirements of the Prime Agreement. The subsequent accelerated review and approval of these Hot RFIs required the design team to add staff to support this effort so that “Hot” RFIs would be accommodated without slowing the review of lower priority RFIs.

4. Resolution of construction errors: During construction, RDC supported the city in assessing, documenting and solving a variety of construction issues which arose during the construction process including assistance with plan check comments on design-build aspects of the project (i.e., deferred submittals) and the assessment of construction work which did not conform to the requirements of the Contract Documents. The circumstances for these issues were not anticipated in the original contract and required additional hours on the part of the design team. Some of the costs associated with this category are being back charged to the Swinerton to balance the budget for this item. A partial list of construction issues covered by this item include but are not limited to the following:
 - a. Placement of defective cast-in-place concrete work by the contractor at levels B1 & B2. This required RDC to expend additional site visits and review time to prepare field reports and issue notices of defective work and attending QA/QC meetings with Swinerton which were not originally budgeted for in RDC’s base contract.
 - b. Improper installation of the center skylight requiring its complete removal and reinstallation.
 - c. Off-spec vertical location of the buried emergency fire water supply storage tank requiring the development of multiple design solution alternatives for cost modeling and decision making.
 - d. Late, missing, or out sequence exterior wall mock-up reviews.
 - e. Provision of exterior tile which did not substantially conform with the approved tile submittal.
5. Storm-related damage assessment: The heavy December 2022 and Winter 2023 storms damaged portions of the ongoing construction work. RDC assessed the extent of various aspects of the storm damage and documented the storm-related damage in field reports and where appropriate, proposed potential solutions. The cost of this damage assessment and resulting repair could be partially covered by the general contractor’s insurance carrier. RDC’s additional services included the assessment of the following storm damage types:
 - a. Site flooding,
 - b. Roof top water ponding and water infiltration,
 - c. Potential water damage to partially installed roof insulation,
 - d. Potential water damage to roofing membrane,
 - e. Water damage to installed gypsum wall board,
 - f. Flooding at levels B1 & B2,

- g. Floating and dislodgement of underground storage tanks,
- h. Sloughing of open site excavations, and
- i. Collapse of portions of Jacaranda Lane.

In addition to the above, Amendment No. 3 includes a 10 percent additional services replenishment in the amount of \$62,500 to address other potential unanticipated architectural services for the project.

FISCAL/RESOURCE IMPACT

Funding for this contract amendment is available in the Fiscal Year 2023 Adopted Capital Improvement Program budget for the Public Safety Building project (PE-15001). Funding for this amendment is covered by the PSB project contingency and reserves for items that cost less than expected. Approval of this amendment does not increase the overall PSB budget approved by Council when the construction contract was approved in early 2021.

STAKEHOLDER ENGAGEMENT

Public Works has coordinated with key staff from departments whose operations will be dependent upon the PSB.

ENVIRONMENTAL REVIEW

An Environmental Impact Report for the PSB and the New California Avenue Area Parking Garage was prepared and certified by Council on June 11, 2018 (ID #8967), by adoption of Resolution No. 9772.⁵

ATTACHMENTS

Attachment A: RossDrulisCusenbery Architecture, Inc. Contract C17165953 Amendment 3

APPROVED BY:

Brad Eggleston, Director Public Works/City Engineer

⁵ Resolution 9772, <https://www.cityofpaloalto.org/files/assets/public/city-clerk/resolutions/reso-9772.pdf?t=40475.53>